DAVANGERE TOWN MUNICIPALITY.

Notification dated 28th March 1938.

The right to collect tolls at the toll-gates as noted in Schedules A and B during the year 1938-39 (commencing from 1st July 1938 to 30th June 1939 inclusive of both days) will be sold by public auction at the places and on the dates specified in Schedule A.

2. Persons intending to bid at the sale must attend in person or by a duly authorised agent. Every such person should deposit beforehand as earnest money an amount equal to one-twelfth of the contract amount for the previous year as shown in Schedule A. The deposits of all the bidders except the first two or three whose bids are to be recommended for acceptance will be returned at the close of the sale. The deposits of the successful bidder who will be called the contractor will be returned together with the security deposit as noted in clause 5, only on fulfilment of the contract. The deposit of the remaining bidders will be returned soon after the confirmation of the sale.

3. The sale will not become absolute until confirmed by the authority noted in Schedule A, who reserves the final power of refusing or accepting, without assigning any reason whatever, the highest or any bid that may be offered.

4. The contractor shall, within fifteen days of the receipt of intimation of confirmation of the sale in his favour, execute an agreement on duly stamped paper binding himself and his heirs to observe the conditions hereinafter setforth and to be subject to the panalties, forfeitures and liabilities referred to therein and shall furnish, if he does not hold property in the Mysore State, at least two sureties who own sufficient properties in the Mysore State for the due performance of the contract and get the agreement registered at his cost.

5. The contractor shall within 15 days from the date of confirmation of the sale, deposit as security for due fulfilment of the contract an amount equal to two months' khist. The amount deposited at the time of sale will also be given credit towards this.

6. The contract shall not be transferred by sale, gift, or otherwise or sub-leased without the previous sanction of the Municipal Council.

7. The contract amount shall be paid in twelve equal monthly instalments in advance on the first day of every month into the Municipal Office.

8. Fees recovered from persons compounding the payment of toll in accordance with standing rules and orders approved by Government will be kept at the credit of the contractor and adjusted in accounts towards the last instalment or instalments.

9. Interest at 12 per cent per annum shall be levied on all overdue amounts till date of payment.

10. The contractor shall collect tolls only at the rates and the gates on the traffic specified in Schedules A and B.

11. The contractor shall give to the person paying the toll a proper receipt, showing the date and hour of payment of toll.

12. The contractor shall keep at the toll-gate true accounts of the daily collections and of the traffic passing through the toll-gate. These accounts shall be opened to the inspection of the Municipal President. He shall, if required by the Municipal President, furnish to the office at the end of every month, a true return for the month, showing the traffic passing through the gate in the prescribed form free of charge.

13. The contractor will have the use of the existing toll-house and gate without payment of any rent, and he should keep them in good repair, failing which the cost of repair will be recovered from him. If any toll-gate or house is required, it will be put up at the cost of the Municipal Council.

14. No remission of the contract amount nor any compensation on account of seasonal conditions or any other cause whatever, shall be allowed.

15. The contractor shall comform generally to the rules published in the late Chief Commissioner's Notification No. 274, dated 4th November 1876, the rules and instructions issued under the Road Traffic and Taxes Regulation, VI of 1935, and the rules issued under the Local Boards and Village Panchayets Regulation or the rules framed by the Municipal Council, under the Municipal Regulation. He shall recognise all exemptions made by the statute or rules in force for the time being. He shall pay special attention to the following points:—

(*a*) A table of authorised tolls shall be legibly written in English and Kannada and shall be put up in a conspicuous place near the toll-gate.

(*b*) Animals drawing any vehicles for which tolls can be demanded are not also to be charged with toll.

(*c*) Cart laden with bone or other substance as manure shall be treated as unladen and tolled accordingly.

(*d*) No more than one payment of toll shall be demanded at any toll-gate in respect of any vehicle in any one period of twenty-four hours counted from sunrise to sunrise.

(*e*) No toll shall be levied on foot passengers.

(*f*) No toll shall be levied for the passage of troops, or Military Stores or equipages or Police Officers on duty or of any person or property in their custody or of any property *bonâ fide* belonging to Government, as established where proof is required by the production of a pass or certificate from any officer of the department to which the property belongs authorised by the Deputy Commissioner, or by Government to grant such certificates or passes which pass or certificate shall be delivered up to the last toll-gate passed before the cart, carriage or animal, conveying such property reaches the destination noted in such pass or certificate.

This includes carts conveying timber and other forest produce belonging to Government covered by departmental passports signed by a Forest Officer.

(*g*) No toll shall be levied on motor vehicles which are exempted from payment of tolls under the Road Traffic and Taxes Regulation and the rules framed thereunder, *vide* Section 31 of the Regulation.

(*h*) No toll shall be levied for the passage of traffic, carts, animals, etc.—

(1) Belonging to the Municipal Council.

(2) Conveying Municipal servants on duty or property in the custody of such servants.

(3) Lincensed by the Municipal Council.

(4) Assessed by the Municipal Council to Municipal Taxation, provided the tax has been paid in advance.

(5) Possessed by a person who has compounded with the Municipal Council for a prescribed sum in accordance with the rules approved by Government.

(6) Engaged by the Postal Department to convey mails.

(7) Belong to the Hon'ble the British Resident in Mysore and his staff, *viz.*, the Secretary to the Resident, the Residency Surgeon and the Personal Assistant to the Resident in Mysore.

(8) Belonging to Government servants travelling on duty who are certified by their respective immediate superiors as being not entitled to travelling allowances.

(9) Belonging to His Highness the Maharaja or His Highness the Yuvaraja.

(10) Used by the Dewan of Mysore to tour.

(11) Belonging to the Heads of Mathas who hold a Rahadari issued by a competent authority.

(12) Other exemptions to be ordered by the Government of Mysore from time to time.

(*i*) No toll shall be levied on cattle belonging to the residents of the village or the town within the limits of which the toll-gate is established.

(*j*) No toll will be levied on through traffic provided that in the case of slow conveyances, such as bullock carts, this time limit to produce the free pass is 30 minutes.

(*k*) No toll shall be levied on British Military Officers in uniform, passing on duty through the toll-gates, provided they fulfil the following conditions :—

(i) Wear uniform.

Officers passing toll-gates on duty otherwise than in uniform will enter in a book kept by the toll-gate-keeper for the purpose, their rank, name and the nature of duty on which they are travelling. The contractor should keep such books in each of the toll-gates and have them presented on demand by the Military Officer passing the gate on duty.

16. Any breach of the above conditions or rules on the part of the contractor or his servants will entail the forfeiture of the deposit or the levy of a fine by the President not exceeding Rs. 50 for each infringement. If the fine be not paid or in the event of instalments or other sums due are not paid within the prescribed date, it shall be competent to the President to suspend further collection of toll by the contractor and dispose of the right to collect the toll during the remaining period by a resale or otherwise. The resale will be held at the risk of the defaulting contractor who shall be liable to make good all losses accruing, but shall not be entitled to any profits arising from the resale.

17. The imposition of fine or resale of the contract shall be no bar to the prosecution of the contractor or his employees for any offence or to the institution of other legal steps against them under any law in force for the time being.

Clause 17. The following fees will be levied at the Davangere Municipal Toll-gates on all motor vehicles subject to the exemptions noted hereunder :—

	Rs.	a.	p.
On every motor bus	0	6	0
Do Car	0	6	0
Do Cycle ...	0	3	0

Exemptions.

The following statement showing in a tabulated form the class of vehicles and the extent of exemptions is attached for purposes of easy reference.

No.	Class of vehicle	Nature and extent of exemption	Remarks
1	Private motor vehicle, that is, motor cycles, motor cars.	Exempt from tolls at the Municipalities throughout the State.	Vehicle should exhibit license. The exemption is specified also in the license.
2	Motor lorries used *solely* for purposes of agriculture.	Do do ...	Do
3	Motor cabs ...	(*a*) Exempt from tolls of a Municipality as per para 2 (iii) of Memorandum published in page 408, Part I of the *Mysore Gazette*, dated 21st November 1935.	The exemption is specified in the license or disc.
		(*b*) Exempt from all Municipal tolls if it compounds for all tolls by payment of a composition fee under Section 20.	In this case, it should exhibit or produce the necessary token.
4	Motor buses ...	Services other than purely urban Services, are exempt from all Municipal tolls in the area for which they hold the permit, while on trips, for which they pay mileage cess.	The permit specifies the toll-gates at which they are exempt.
		On tours on private account or on trips for which mileage cess is not levied, they are liable to tolls.	Rules will require that on such occasions they should display "Private" Board.
5	Motor lorries ...	Exempt from tolls only at a Municipality as per para 2 (v) of Memorandum, published in page 408, Part I of the *Mysore Gazettee*, dated 21st November 1935.	This is specified in the license or token.
		Liable to tolls at other Municipalities.	

The exemptions noted above are the general and special ones prescribed by the Road Traffic and Taxes Regulation and the Rules made thereunder do not affect other exemptions in force at present.

SCHEDULE A.

1.	Name of toll-gate ...	Davangere Town Municipal toll-gates.
2.	Situation of the gates ...	On the town limits.
3.	Whether toll is to be lieved on through traffic, in-coming traffic or out-going traffic	In-coming traffic.
4.	Traffic specially exempted from payment of toll on account of the peculiar situation of the toll-gates or the special requirements to the people near the toll-gate ...	Nil.
5.	Amount of deposit required at the time of sale	Rs. 2,864—0—0
6.	Place of sale	Chamarajendra Memorial Hall, Davangere
7.	Date of sale	21st April 1938 at 3 P.M.
8.	Officer conducting the sale ...	The President, Town Municipal Council, Davangere, or the Chief Officer.
9.	Officer confirming the sale ...	Municipal Council, Davangere
10.	Remarks ...	Nil

Any other condition that may be included at the time of sale and incorporated in the contract agreements will be deemed as if included in this notification.

SCHEDULE B.

		Rs.	a.	p.
1.	On every four-wheeled vehicle with springs ...	0	6	0
2.	Do jutka, hackney or cart, laden ...	0	4	0
3.	Do do do not laden ...	0	2	0
4.	Do other vehicle with springs and every palanquin, bicycle or tricycle ...	0	1	6
5.	Do buffalo, bull, bullock, cow or ass, laden or ridden on every horse under thirteen hands and every mule ...	0	0	9
6.	Do horse not under thirteen hands ...	0	0	9
7.	Do elephant ...	0	12	0
8.	Do camel ...	0	1	6

N.B.—Carts carrying firewood, fodder and thatch should be treated as unladen for the purpose of levying toll.

E. da COSTA,
President.

Printed by the Superintendent at the Government Press, Bangalore.